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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,348	08/20/2003	Stephen R. Nolan	GP-302686	5872

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EXAMINER

WYSZOMIERSKI, GEORGE P

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,348	Applicant(s) NOLAN, STEPHEN R.	
	Examiner George P. Wyszomierski	Art Unit 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/8/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-17 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locke et al. (U.S. Patent 3,848,104), Vetsch et al. (U.S. patent 4,459,458), or Folger et al. (U.S. Patent 4,879,448), any of which in view of SU Abstract 1806884.

Each of Locke, Vetsch, and Folger disclose a process that includes providing some type of controlled tooling, a laser, and a metal part, moving one of the laser or the metal part relative to the other, and powering the laser so that the metal part (or at least a portion thereof) is heat treated during such movement. These references do not specify that the metal part is aluminum, do not disclose treatment of a sheet panel having an upstanding flange with a radial bend therebetween, and do not disclose the limitations regarding a robot with a movable arm as required by instant claims 6-10. However,

a) Locke, Vetsch and Folger are all directed to the treatment of metal parts in general, which would include treatment of aluminum parts as presently claimed.

b) The SU Abstract indicates that it was known in the art, at the time of the invention, to laser anneal a metal blank including a flange portion as the metal blank is moving relative to a laser beam.

c) With regard to a robot, the means by which motion is controlled in the Locke, Vetsch, or Folger patents is functionally equivalent to that which would be performed by a robot, i.e. the metal part or the laser beam is guided in a specified path in the x- and y- axes, the path being

coordinated so that the laser beam acts upon the desired section of the metal part for an appropriate amount of time. See Locke column 9, Vetsch columns 4-6, or Folger column 5, line 45 to column 6, line 18. It would have been obvious for one of ordinary skill in the art to employ a robot for such a task, in order to obtain precise controls related to time, temperature and treatment path not readily obtainable by purely mechanical means of movement.

Thus, the disclosures of Locke, Vetsch et al., or Folger et al., combined with the teachings of SU '884, would have taught the presently claimed process to a person of ordinary skill in the art.

3. In a response filed September 8, 2005, Applicant points out that each of the prior art references (Locke, Vetsch, Folger, SU '884) does not disclose one or more aspects of the invention as presently claimed. In response, the examiner's position is that one cannot show non-obviousness by attacking references individually where the rejections are based on a combination of references, as is the case with respect to the claims as amended. See *In re Merck* (231 USPQ 375, Fed.Cir. 1986). Applicant states that the references, if combinable, fail to teach the combination of a method including all of the limitations of the independent claim. The examiner disagrees, i.e. all limitations of the rejected claims are either recited in at least one of the prior art references or would have been considered obvious for use in those references, for reasons as set forth in the rejection, *supra*.

4. Claims 11-17 and 19 are allowable over the prior art of record. The prior art does not disclose or suggest a process by which one performs laser annealing of a radial

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bend of an aluminum sheet panel by a method in accordance with what is recited in independent claims 11 or 19.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Wyszomierski whose telephone number is (571) 272-1252. The examiner can normally be reached on Monday thru Friday from 8:00 a.m. to 4:30 p.m. Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on (571) 272-1244. Effective July 15, 2005, all patent application related correspondence transmitted by facsimile must be directed to the new central facsimile number, (571)-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GPW
November 22, 2005


GEORGE WYSZOMIERSKI
PRIMARY EXAMINER
GROUP 1700